

# HOUSE BILL No. 1781

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-20-22-1; IC 13-21.

**Synopsis:** Solid waste disposal in Marion County. Requires a final disposal facility, except an incinerator, located in a county having a consolidated city to collect the state solid waste management fee even if the legislative body of the county has not elected by ordinance to participate in the rules, ordinances, and governmental structures under the law concerning solid waste management districts. Imposes a fee on the disposal of solid waste in a final disposal facility, except an incinerator, located in a county having a consolidated city of \$1 for each ton of solid waste disposed of in the final disposal facility even if the legislative body of the county has not elected by ordinance to participate in the rules, ordinances, and governmental structures under (Continued next page)

**Effective:** July 1, 1999.

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## Whetstone, Crosby

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January 26, 1999, read first time and referred to Committee on Environmental Affairs.

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Digest Continued

the law concerning solid waste management districts. Provides that the fees collected must be used to fund programs concerning: (1) recycling and the use of recycled materials; (2) waste reduction; and (3) management of yard waste.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## HOUSE BILL No. 1781

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 13-20-22-1 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) ~~Unless the~~  
3       ~~legislative body of a~~ **Notwithstanding IC 13-21-3-20, this section:**  
4       **(1) applies to the disposal of solid waste in a final disposal**  
5       **facility located in a county having a consolidated city elects even**  
6       **if the legislative body of the county has not elected by**  
7       ordinance to participate in the rules, ordinances, and  
8       governmental structures ~~enacted or created under this chapter the~~  
9       ~~collection of fees on the disposal of solid waste in a final disposal~~  
10      ~~facility located in that county are exempt until December 2, 2008;~~  
11      ~~from regulation or control under this chapter. of this article as~~  
12      **provided in IC 13-21-3-20; and**  
13      **(2) does not apply to the incineration of solid waste in a final**  
14      **disposal facility located in a county having a consolidated city**  
15      **until:**



**(A) the legislative body of the county adopts an ordinance under IC 13-21-3-20; or**

**(B) December 2, 2008;**

**whichever occurs first.**

(b) A fee is imposed on the disposal or incineration of solid waste in a final disposal facility in Indiana. Except as provided in section 14 of this chapter, the amount of the fee is as follows:

(1) For solid waste generated in Indiana and delivered to a final disposal facility in a motor vehicle having a registered gross vehicle weight greater than nine thousand (9,000) pounds, fifty cents (\$0.50) a ton.

(2) For solid waste generated outside Indiana and delivered to a final disposal facility in a motor vehicle having a registered gross vehicle weight greater than nine thousand (9,000) pounds:

(A) fifty cents (\$0.50) a ton; and

(B) if the solid waste management board has adopted rules under subsection (c), an additional amount imposed under the rules.

(3) For solid waste generated in Indiana or outside Indiana and delivered to a final disposal facility in:

(A) a motor vehicle having a registered gross vehicle weight of not more than nine thousand (9,000) pounds; or

(B) a passenger motor vehicle (as defined in IC 9-13-2-123); fifty cents (\$0.50) for each load delivered by the motor vehicle.

(c) The solid waste management board shall adopt rules to establish and impose a fee on the disposal or incineration of solid waste that is:

(1) generated outside Indiana; and

(2) disposed of or incinerated in a final disposal facility in Indiana.

The fee shall be set at an amount necessary to offset the costs incurred by the state or a county, municipality, or township that can be attributed to the importation of the solid waste into Indiana and the presence of the solid waste in Indiana.

(d) Revenue from fees collected under subsection (b)(1) and (b)(2)(A) shall be deposited in the state solid waste management fund established by section 2 of this chapter. Revenue from fees collected under subsection (b)(2)(B) shall be deposited in the hazardous substances response trust fund established by IC 13-25-4-1, except that any part of the revenue that the board finds is necessary to offset costs incurred by counties, municipalities, and townships shall be distributed to solid waste management districts pro rata on the basis of the district's population.



(e) If solid waste has been subject to a fee under this section, the total amount of the fee paid shall be credited against any other fee to which the solid waste may later be subject under this section.

(f) A fee may not be imposed upon material used as alternate daily cover pursuant to a permit issued by the department under 329 IAC 10-20-13.

SECTION 2. IC 13-21-3-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 20. **Except as provided in IC 13-20-22-1 and IC 13-21-13.3**, notwithstanding this chapter, IC 13-21-5, and IC 13-21-13, unless the legislative body of a county having a consolidated city elects by ordinance to participate in the rules, ordinances, and governmental structures enacted or created under this article, the management of solid waste activities and the collection of fees on the disposal of solid waste in a final disposal facility located in that county are exempt until December 2, 2008, from regulation or control under this article.

SECTION 3. IC 13-21-13.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

**Chapter 13.3. Final Disposal Fees in a County Having a Consolidated City**

**Sec. 1. This chapter:**

- (1) applies to the disposal of solid waste in a final disposal facility located in a county having a consolidated city even if the legislative body of the county has not elected by ordinance to participate in the rules, ordinances, and governmental structures of this article as provided in IC 13-21-3-20; and
- (2) does not apply to the incineration of solid waste in a final disposal facility located in a county having a consolidated city until:

(A) the legislative body of the county adopts an ordinance under IC 13-21-3-20; or

(B) December 2, 2008;

whichever occurs first.

**Sec. 2. A fee is imposed on the disposal of solid waste in a final disposal facility located in a county having a consolidated city of one dollar (\$1) for each ton of solid waste disposed of in the final disposal facility.**

**Sec. 3. (a) The owner or operator of a final disposal facility located within the county having a consolidated city is responsible for collecting fees from persons delivering solid waste to the facility. Each owner or operator may do the following:**



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(1) Deduct from the fees an amount equal to one percent (1%) of the fees collected.

(2) Retain this amount as compensation for collecting and remitting the fees.

(b) The owner or operator shall remit the remainder of the fees the owner or operator collects during a month to the county treasurer of the county having a consolidated city not later than ten (10) days after the last day of the month in which the fees are collected.

(c) Each owner or operator of a final disposal facility shall, at the time the collected fees are remitted, furnish to the controller a fee collection report.

**Sec. 4. (a)** For purposes of the collection of the fee imposed under section 2 of this chapter, the owner or operator of a final disposal facility that:

(1) annually receives, on the average, less than two hundred (200) tons of solid waste each day; and

(2) does not have a scale suitable for weighing the solid waste received at the final disposal facility;

may determine the weight of the solid waste received by conversion from the volume of the solid waste.

(b) An owner or operator described in subsection (a) shall apply the following conversion factors:

(1) Three and three-tenths (3.3) cubic yards of compacted solid waste equals one (1) ton of solid waste.

(2) Six (6) cubic yards of uncompacted solid waste equals one (1) ton of solid waste.

**Sec. 5. Fees collected under this chapter shall be:**

(1) remitted to the county treasurer of the county having a consolidated city;

(2) deposited by the treasurer in the county general fund of the county having a consolidated city; and

(3) used by the county having a consolidated city to fund programs concerning the following:

(A) Recycling and the use of recycled materials.

(B) Waste reduction.

(C) Management of yard waste.

**Sec. 6. Fees prescribed by this chapter are not:**

(1) revenues (as defined in IC 36-9-31-2) of a facility (as defined in IC 36-9-31-2); or

(2) revenues under:

(A) IC 8-1.5;

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- 1 (B) IC 13-21-3-13;
- 2 (C) IC 13-21-7 through IC 13-21-12;
- 3 (D) IC 13-21-14; or
- 4 (E) IC 36-9-30.
- 5 **Sec. 7. This chapter expires December 2, 2008.**

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